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OFFICE OF PETITIONS

In re Application of
Eisen :
Application No. 10/791,439 : **ON PETITION**
Filed: 2 March, 2004 :
Attorney Docket No.: 31718-701.201 :

This is a decision on the petition filed (with fee) on 25 August, 2005, and then twice in altered forms on 30 August, 2005, and considered under 37 C.F.R. §1.183 to expedite and to expunge from the file under 37 C.F.R. §1.59).certain documents improvidently submitted by Applicant and original Counsel.

The petition under:

- under 37 C.F.R. §1.183 for expedited consideration is **GRANTED**; and
- 37 C.F.R. §1.59 is **GRANTED** to the extent that the improvidently submitted Chart containing what Petitioner describes as “personal information” hereby is directed to be expunged—i.e., made unavailable and inaccessible to unauthorized review and consideration—in a fashion to be determined by the Office; in all other respects the petition is **DISMISSED**.

The instant application was deposited by Applicant through original Counsel on 2 March, 2004, with what was represented as a specification (description, claims, abstract) and an appendix identified in the instant petition as “the Chart.”

On 25 August, 2005, Petitioner filed a Revocation/Power of Attorney.

On 30 August, 2005, Petitioner filed the instant petitions seeking a waiver to expunge the originally filed Chart submitted in illustration but containing what Petitioner now describes as "personal information" that erroneously placed in the Chart and substitute an amended Chart containing what Petitioner essentially describes as nonsense data to restore the illustration. Specifically, the Chart originally submitted is alleged to contain partial real names, E-mail addresses and credit card numbers intended to be fictitious examples, and the substituted Chart is averred to contain more-thoroughly fictitious examples containing none of the real data (personal information) previously submitted.

NOTE: Before the instant petition was filed, the Office posted on its website, www.uspto.gov at <http://www.uspto.gov/web/doc/privact.htm>, a caution to applicants and practitioners¹ regarding the inclusion of personal/private information in applications, petitions and other papers.

Petitioner and Applicant(s) are reminded to review and consider this posting.

Thus, Petitioner wishes to remove/expunge the Chart as originally submitted and replace it with an amended version containing wholly fictitious example data.

¹ Specifically, the side-bar special notice at the Office website stated/states:

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CONCLUSION

Accordingly, the request under:

- 37 C.F.R. §1.183 for expedited consideration of the petition is **granted**; and
- 37 C.F.R. §1.59 for expungement of the Chart containing “personal information” is **granted** to the limited extent that is directed that the Chart as deposited on 2 March, 2004, is to be expunged—i.e., made unavailable and inaccessible to unauthorized review and consideration—in a fashion to be determined by the Office; and

in all other respects the petition is **dismissed**.

Petitioner is reminded that the entry of the amended Chart submitted is the exclusive province of the Examiner to be considered on submission of an amendment by Petitioner expressly for that purpose.

The instant application is being released to OIPE for further processing before being forwarded for substantive examination.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-9199.



John J. Gillon, Jr.
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Office of Petitions